

APR 05 2022

OFFICE OF THE CLERK

No. \_\_\_\_\_

**21-7859**

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
BRANDIS NICOLE FISH — PETITIONER  
(Your Name)

vs.

\_\_\_\_\_  
UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

\_\_\_\_\_  
UNITED STATES COURT OF APPEAL FOR THE TENTH CIRCUIT

\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

\_\_\_\_\_  
BRANDIS NICOLE FISH  
(Your Name)

\_\_\_\_\_  
FEDERAL PRISON CAMP - PEKIN  
(Address)

\_\_\_\_\_  
P.O. BOX 5000 PEKIN, ILLINOIS 61555  
(City, State, Zip Code)

\_\_\_\_\_  
none  
(Phone Number)

**ORIGINAL**

### **QUESTION(S) PRESENTED**

- 1.) DID DISTRICT COURT THOROUGHLY REVIEW PETITIONER FISH'S REQUEST FOR " COMPASSIONATE RELEASE," PURSUANT TO POLICY USSG 1B1.13?
- 2.) DID THE DISTRICT COURT THOROUGHLY REVIEW PETITIONER FISH'S MEDICAL RECORDS IN A DETERMINATION FOR THE SEVERITY THEREOF, AND ELIGIBILITY OF 18 U.S.C. §3582(C)(1)(A)?
- 3.) DID THE DISTRICT COURT THOROUGHLY REVIEW PETITIONER FISH'S ELIGIBILITY FOR RELEASE PURSUANT TO 18 U.S.C. §3553(a) FACTORS WHEN CONSIDERING GRANTING A SENTENCE REDUCTION TO A FIRST-TIME, NON-VIOLENT OFFENDER?
- 4.) DID THE UNITED STATES COURT OF APPEAL FOR THE TENTH CIRCUIT REVIEW THESE CONSIDERATIONS, AFTER NUMEROUS CASE LAW, IN THE APPEALS COURT, REMANDED TO THE DISTRICT COURT FOR RECONSIDERATION, REDUCTION IN SENTENCING, AND RELEASE?
- 5.) DID THESE PRECEDENTS CAUSE EITHER COURT( DISTRICT OR APPEALS) TO MAKE CONCESSIONS SO THAT FURTHER DENIALS COULD BE CURTAILED?

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

NONE

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### CASES

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### STATUTES AND RULES

18 USCS 3582(C)(1)(A)(i)  
18 USCS 3553(a)  
USSG 1B1.13

### OTHER

NONE

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was JANUARY 6, 2022.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. §1291  
18 U.S.C. 3582(C)(1)(A)(i)  
18 U.S.C. 3553(a) USSG 1B1.13

AMENDMENT VIII  
AMENDMENT XIV



## STATEMENT OF THE CASE

This petition is filed because Petitioner FISH has been denied "Compassionate Release". It has been challenged in the District court, and the Tenth Circuit Court of Appeals. In both instances, the courts denied her petition for relief. Petitioner FISH makes claim to this High Court that her Constitutional Rights have been violated. In Amendments VIII & XIV, FISH makes claim that her rights have been violated when she has been subjected to poor medical care, thus outlining "cruel and unusual punishment". FISH has been denied her "due process of law, as in the fact that she has been denied the right to have her case heard and that the ruling should be extended to "all" U.S. citizens, not just a choice few. This violation acn not stand.

in citing 18 U.S.C. 3583(C)(1)(A)(i), FISH makes claim that she should have been granted release, due to the serious ailment of her medical record. It is duly noted that she suffers from a serious, non-curable heart condition. The treatment with medication, is a mere formality. It can not continue, as the medication has found immunity in her body, and no longer surves in the capacity that it should. In this instance, FISH has continuously requested medical help through requesting to see a cardiologist. She has yet to see one, and has been incarcerated at FPC-PEKIN for over a year. Serious medical conditions, that can not be resolved through medical treatments in the institution are subject to fall under the updated rules for the filing with the court for "compassionate release".

In U.S.v. BEST 2021 U.S. Dist LEXIS 105069, she was also incarcerated at FPC-PEKIN, during and through her release on "compassionate release" June 4, 2021. She has suffered the same, detrimental medical issues, as Petitioner FISH, through her COPD, hypertension & obesity, just to name a few. FISH is diagnosed as having a serious condition with a major organ, her heart. It is stating a lot when a district court judge in the District of Kansas(Julie A. Robinson) who is aware of the conditions at FPC-PEKIN, during the pandemic, that has caused long-standing illnesses with offenders that have a much milder medical diagnosis, and have been released, as FISH is still fighting to just live another day. Without seeing a cardiologist, the condition of her heart is unknown.

In other cited cases, defendants were released, or their sentences reduced, so as they would be able to be released and receive the proper medical care on the outside. COVID-19 took its toll on the federal prison system, with deaths on the rise seemingly every week. Now that it is thought to have subsided, the lasting effects are not gone. Petitioner FISH is one of the offenders that have been "overlooked" by a system that should have prepared her for release when it(COVID-19) began to spread quickly across the Bureau. Like BEST, she had a lengthy sentence(18yrs) and a past criminal record that spanned several years, FISH on the other hand, is a first time offender, with a 110-month sentence. This sentence is referenced to a "LIFE" sentence for her, as offender BEST'S 18yrs sentence was in her instance, concerning her health.

Petitioner FISH has a valid medical reason, that is verified, of her serious heart condition. She has filed with every court that she can, as well as the Bureau of Prisons, and no one can get her to a cardiologist, and her health is deteriorating. The District Court, as well as the Apepals Court has denied her relief. It is her hope that she will be able to obtain relief from this High Court.

## REASONS FOR GRANTING THE PETITION

Petitioner Brandis Nicole Fish has a serious heart condition, It is not curable through any medication. It is to be continuously monitored by a cardiologist. Since being in FPC-PEKIN, she has yet to see a cardiologist and has been incarcerated for over a year. She is being treated with medications that have not been updated, thus are not effective. She has been sentenced to 110-months imprisonment, which with the damage to a major organ, her heart, that computes to a "LIFE" sentence for her.

When the Bureau of Prisons began to be overtaken by COVID 19, in 2020, they had never encountered such a fast moving virus. They had no training, and quite frankly sat too long on trying to figure out what to do. One thing that they had never even thought on was the fact that they have an enormous amount of offenders that have an array of medical problems that, if infected with this virus, the death rate would soar. This is exactly what happened. The death rate, and the infections rose to unprecedented lengths. Even now, going into more than 2 years, the virus has left it's vicious mark upon many, as their health continues to decline. These reasons alone should be a strong enough argument to assess the fact that the High Court should evaluate this situation and come to a quick decision on this matter. It is "Life or Death" for the Petitioner.

The "rules" of defendants being able to file their own petitions for relief, to obtain "compassionate release" has been upheld by many courts. As a matter of fact, the cited cases in this petition, are the reason why Petitioner FISH is making her claims to this High Court. In the District Courts, as well as the appeals Court, there have been releases on occasions, where there has been lengthy sentences, and medical diagnosis' such as diabetes. The COVID-19 virus, played several parts in breaking down illnesses that could have been controlled, with proper medical care. The Bureau of Prisons was overwhelmed than, as they are now. These offenders that have chronic illnesses, such as Petitioner FISH, need to be released so as they would be able to see a cardiologist.

In considering releases, or sentence reductions, pursuant to the updated "compassionate release criteria, The Sentencing Commission and Guideline Manual, in citing policy 1B1.13, it is NOT applicable to prison-initiated motions for compassionate release, and the Commission has not yet issued a policy statement applicable to such motions. In citing 18 USC 3582(c)(1)(A)(i), defendants have "extraordinary and compelling reasons" for requesting release. This could be "any" factor that the courts deems forfills this meaning. It actually doesn't have to mean that release is immediate, but in Petitioner FISH'S instance, with her serious heart condition, release is the best solution. The District Court and Appeals court state that the factors in §3553(a) or in opposition to release in regards to Petitioner FISH, but that could not be founded. Petitioner FISH is a first-time offender, with no violence in the commission of her criminal act. These factors could not have been thoroughly reviewed, because the court would have granted relief. In cited case law of this petition, many, if not all of the defendants that filed for relief, where it was granted, had criminal records, and lengthy sentences. It is unknown as to why the same, with Petitioner Fish, who has no criminal record, and could meet the §3553(a) factors for release was not considered for release. The denial of her petition for release was unwarranted.

In all the stated reasons above, Petitioner BRANDIS NICOLE FISH should be granted relief.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Braugh Fish

Date: April 3, 2022